

REMARKS

Claims 1 - 4, 7, 16, 22 - 23 and 24 - 30 are pending in this application, as amended. Claims 1 and 16 have been amended by the present response, and new claims 29 and 30 have been added. Support for the amendments may be found at paragraphs [0014]; [0016]; and [0018]. No new matter is added by these amendments. Claims 10 - 12 and 20 - 21 have been cancelled by the present amendment.

In the Action, the drawings were objected to as failing to comply with 37 CFR §1.84 ostensibly due to the lack of labels in the items shown in Fig. 1 - Fig. 6. This was discussed with the Examiner during the May 18, 2004 telephone interview. It was agreed to add labels to several of the items in the Figures to overcome this rejection. Corrected drawings with the labels as agreed upon with the Examiner have been submitted with this response. It is noted that a first detection means 5 in Figure 1 is not labeled due to the item's small size, however Applicants submit the drawing is clear in light of the indicated reference numeral, the specification and other figures.

In the Action, claims 1 - 4, 7, 10 - 12, 16, and 20 - 28 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,206,165 (Lenander) in view of U.S. Patent No. 6,486,768 (French). Applicants respectfully traverse this rejection.

Lenander teaches a system for returning service carts where the service carts are equipped with electronic communication devices. Stationary electronic devices read information provided by the electronic communication devices of the carts which is evaluated and provided to an electronic signal director. Regardless of the user, when a

cart is returned to the cart shed, its return is recorded by the stationary electronic device of the cart shed and a reward ticket is issued for returning the cart.

French teaches a cart return system that is linked to a frequent shopper-type reward program. French discloses a cart corral that is equipped with conductive loop sensors that detect the relative position of shopping carts entering and exiting the corral. A customer card reader is located on one of the corral posts. The card reader is in communication with the store computer and will issue a credit to the account designated on the card when carts are returned and the card is read. Nothing identifies the actual customer using the card.

Claim 1 is directed to a method and claim 6 is directed to a system that detects and rewards the return of shopping carts to collection points at a shopping center by the optical recognition of the physical characteristics of a customer. Applicants presented and argued this limitation in the prior response and have further clarified it by the present amendment so that it can not possibly be construed to cover a card carried by the customer. The present invention identifies customers by their physical features rather than merely identifying the shopping cart as in Lenander. Thus, there is no need to uniquely identify the cart as in Lenander. Additionally, optical recognition of the customer is not suggested or disclosed by French. French teaches the identification of a particular identification card, and not a particular customer. The present invention identifies the actual customers by their physical characteristics, without the use of a required card or other item. Both Lenander and French also teach

electronically “tagging” the shopping carts for tracking purposes. As stated above, the claimed invention identifies the customer by optical recognition of their physical characteristics and does not require the carts to be tagged for recognition.

The prior art of record fails to suggest Applicants' system utilizing optical recognition of a customer by their physical characteristics in identifying a customer in order to issue a bonus upon returning a cart. Accordingly, claims 1 and 16 should be patentable over this combination. The remaining claims depend directly or indirectly from claims 1 or 16. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the Section 103 rejections.

The undersigned wishes to thank the Examiner for the courtesies extended during the May 18, 2004 telephone interview. If for any reason the Examiner believes that an interview, either telephonically or in person, would assist in the prosecution of the application, the Examiner is invited to call the Applicants' attorney at the Examiner's convenience.

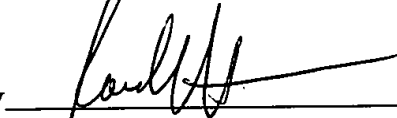
Applicant: Wieth et al.
Application No.: 10/019,142

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 1 - 4, 7, 16, and 22 - 30, is in condition for allowance, and a Notice to that effect is respectfully solicited.

Respectfully submitted,

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